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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/772,764

02/04/2004

Michael Hogendijk

NOCO 1004-1

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EXAMINER

BUI, VY Q

ART UNIT

PAPER NUMBER

3773

MAIL DATE

DELIVERY MODE

04/03/2009

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/772,764	Applicant(s) HOGENDIJK ET AL.	
	Examiner Vy Q. Bui	Art Unit 3773	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 12/15/2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-16 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-16 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

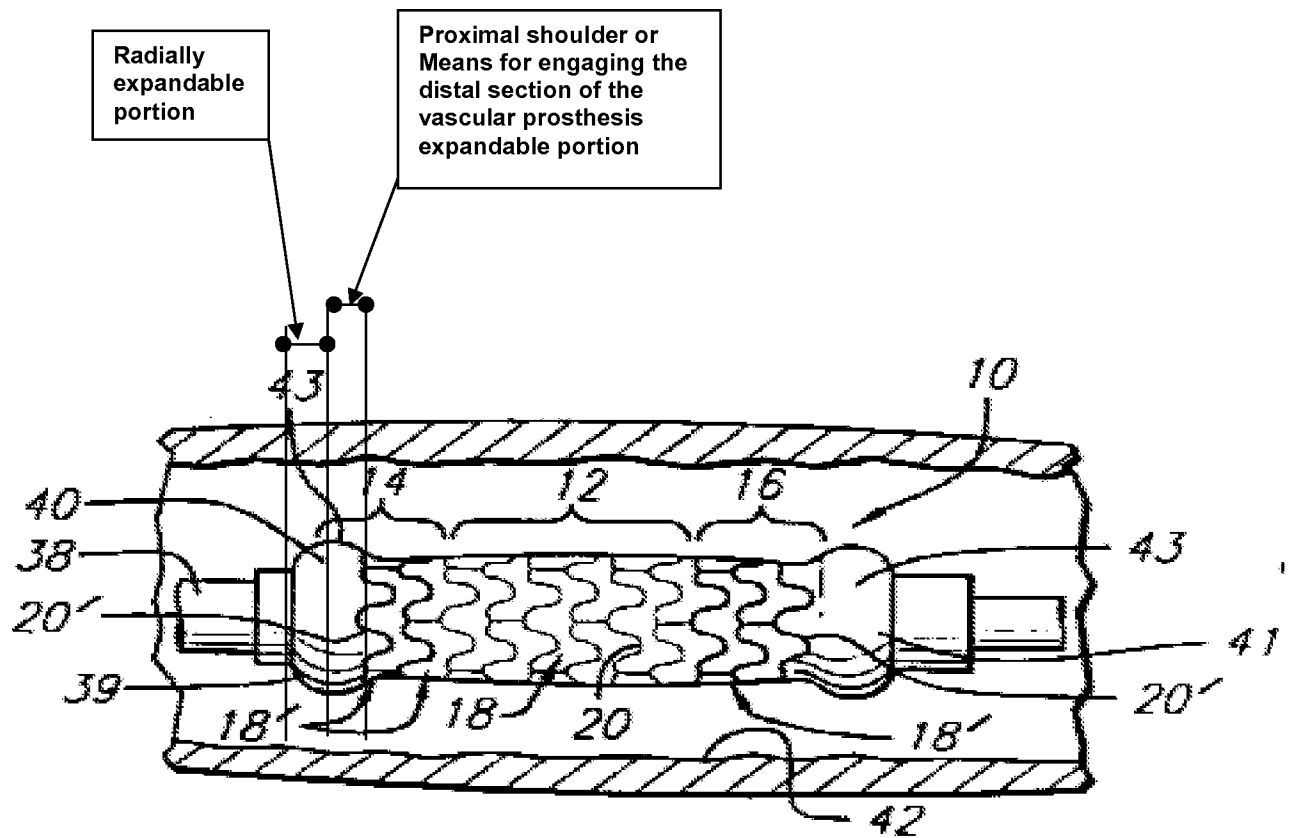
Claim Rejections - 35 USC § 102

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

1. Claims 1-8, 10 are rejected under 35 U.S.C. 102(b) as being anticipated by Limon-6,273,910.

As to claims 1-8, 10-15, Limon-'910 (Figs. 1, 2 and 10; col. 8, lines 36-53) discloses a balloon catheter for an angioplasty procedure comprising elongated member 38, balloon 40 having ridges/collards/polymer layers/shoulders/raised features 43 as means for engaging the distal section of a vascular prosthesis and sheath 46 substantially as recited in the claims.

Notice that the limitation "a radially expandable portion" as recited in independent claims 1 and 11 only requires "a portion" and not "a whole radially expandable length" of the balloon. Further, the radially expandable portion of balloon 40 as shown below can be considered as a distal portion of balloon 40, therefore, it is reasonable to consider the portion of balloon 40 as shown below as a proximal shoulder of balloon 40 and Limon-'910's Fig. 10 includes "**a radially expandable portion**" and "**proximal shoulder or means for engaging the distal section of the vascular prosthesis**" as shown below:



Limon-'910's Fig. 10

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2. Claims 1, 11-15 are rejected under 35 U.S.C. 102(b) as being anticipated by Knudson -6,273,910.

As to claims 1, 11-15, Knudson-'910 (Fig. 3-4, for example) discloses catheter 30/inner member, balloon 22 attached to an elongated member (having lumen 26), sheath 40 for a deployment of stent 10, non-radially expandable polymer layer of catheter 30 (the portion having openings 32) affixed directly to the elongated member (having lumen 26) as means for engaging the distal portion of stent 10 or proximal shoulder of balloon 22. Notice that non-radially expandable polymer layer of catheter 30 (the portion having openings 32) can be considered as having a raised feature defined by the material between openings 32.

Claim Rejections - 35 USC § 103

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claims 9 and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Knudson -6,273,910 in view of Falotico et al.-7,303,758 B2.

Knudson-'910 discloses substantially the claimed invention, except for radiopaque markers positioned as claimed. However, providing radiopaque markers to a catheter assembly for monitoring a deployment of a stent in a patient body is well known in the art. For example, Falotico-'758 (Fig. 39-43) shows radio-opaque markers 5040 disposed on the elongated member 5012 and radio-opaque markers 5054 disposed on the sheath 5014 for facilitating of a deployment of stent 7000. In view of Falotico-'758, it would have been obvious to one of ordinary skill in the art to provide radiopaque markers to Knudson-'910 catheter as recited in the

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claims for this configuration will facilitate a deployment of Knudson-'910 stent 10 in a patient body.

Response to Arguments

Applicant's arguments with respect to the previously rejected claims have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Vy Q. Bui whose telephone number is 571-272-4692. The examiner can normally be reached on Monday-Tuesday and Thursday-Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jackie Ho can be reached on 571-272-4696. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Vy Q. Bui/
Primary Examiner, Art Unit 3773